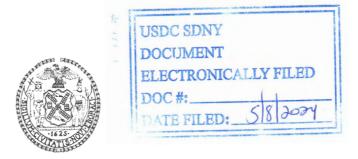


Case 1:22-cv-10669-CM Document 104 Filed 05/07/24 Page 1 of 2



HON. SYLVIA O. HINDS-RADIX Corporation Counsel

THE CITY OF NEW YORK LAW DEPARTMENT

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May 7, 2024

VIA ECF

Honorable Colleen McMahon United States District Court Southern District of New York 500 Pearl Street New York, New York 10007 Matter Stayed, pending appeal. Parties to update the court as to the appeal status.

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Re:

Lester Pearson v. City of New York, et al.,

22 Civ. 10669 (CM)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix. Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter on behalf of the City of New York. For the reasons set forth below, the parties respectfully request a stay of the matter during the pendency of plaintiff's appeal, including defendant's deadline to respond to the second amended complaint, presently set for May 9, 2024. This is the first such request. Plaintiff's counsel, David Broderick, Esq., joins in this request.

By way of background, the Court issued its Order on defendants' motion to dismiss on April 26, 2024. (ECF Dkt. 100). Thereafter, plaintiff filed his first notice of appeal relating to the Court's April 26th Order. Plaintiff seeks to appeal the Courts' decision in which it dismissed each individual defendant and a significant number of claims.

A stay is merited in light of the Court's decision regarding defendants' motion and plaintiff's seeking to appeal. Here, a stay would promote efficiency and conserve the parties' and judicial resources, as it would ensure that discovery is only undertaken one time. In addition, neither party will be prejudiced, if a stay is issued. Lastly, there are no countervailing factors disfavoring a stay, as both parties join in this request and intend on using the interim period to explore settlement.

Case 1:22-cv-10669-CM Document 105 Filed 05/08/24 Page 2 of 2

Accordingly, the parties respectfully request that the Court stay all proceedings herein during the pendency of plaintiff's appeal.

The parties thank the Court for its time and consideration herein.

Respectfully submitted on behalf of the parties,

Joseph Zangrilli
Senior Counsel
Special Federal Litigation Division

Cc: VIA ECF

David Broderick, Esq.